

HOUSE BILL 1111

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 53,
relative to the sale of nonpotentially hazardous
foods.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-1-102(29), is amended by adding the following language to the end of the subdivision:

"Selling" does not include infrequent casual sales of nonpotentially hazardous foods at farmers' markets as provided in § 53-8-117.

SECTION 2. Tennessee Code Annotated, Section 53-8-117, is amended by deleting the section in its entirety and by substituting instead the following:

Section 53-8-117.

(a) As used in this section,

(1) "Home based kitchen" means a cooking facility located in a residence; and

(2) "Nonpotentially hazardous foods" means jam, jellies, and candy. "Nonpotentially hazardous foods" also includes baked goods and food products that the person prepares and cans at home if:

(A) The food products are pickles or other processed vegetables or fruits with an equilibrium pH value of 4.6 or lower;

(B) The person sells the baked goods and food products at a community or social event, including church bazaars and festivals, or a farmers' market;

(C) The person receives less than five thousand dollars (\$5,000) per year from the sale of the baked goods and food products;

(D) The person displays a sign at the place of sale stating:

“These canned goods are homemade and not subject to state inspection.”; and

(E) Each baked good and canned food product that is sold is labeled with the name and address of the person who prepared the baked good or food product, the date on which the food product was canned, the statement “This product was made in a private home that is not subject to state licensing or inspection.”, and a list of ingredients in descending order of prominence. If any ingredient originates from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients shall include the common name of the ingredient.

(b) Notwithstanding any law to the contrary, no person engaged in the preparation and sale of nonpotentially hazardous foods at farmers' markets located in this state shall be required to obtain any food product, food preparation or food handling license, certification or training, including, but not limited to, training under domestic kitchen rules, from the department of agriculture or any other department of state or local government.

(c) The department shall encourage persons selling nonpotentially hazardous foods to attend and complete training that is approved by the department concerning preparing and canning foods and to have their recipes and processes reviewed by a person who is knowledgeable about

the food canning industry and who is recognized by the department as an authority on preparing and canning food.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.